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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,287	02/06/2007	Noboru Sakaguchi	1422-0719PUS1	3172
	7590 09/01/200 ART KOLASCH & BI	EXAMINER		
PO BOX 747	CH 3/A 22040 0747	HOFFMAN, SUSAN COE		
FALLS CHURCH, VA 22040-0747		ART UNIT	PAPER NUMBER	
		1655		
			NOTIFICATION DATE	DELIVERY MODE
			09/01/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

1) Responsive to communication(s) filed on 14 July 2009. 2a This action is FINAL. 2b This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1-22 is/are pending in the application. 4a) Of the above claim(s) 1-17 and 19-23 is/are withdrawn from consideration. 5 Claim(s) 18 is/are allowed. 6 Claim(s) 18 is/are rejected. 7 Claim(s) is/are objected to. 8 Claim(s) is/are objected to. 8 Claim(s) are subject to restriction and/or election requirement. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.							
Examiner Susan Coe Hoffman 1655		Application No.	Applicant(s)				
Susan Coe Hoffman 1655		10/581,287	SAKAGUCHI ET AL.				
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Excession of time raply a validation used for the provisions of 3 CPR 1.13(a), in to event, nower, may reply be timely filled. If If Operad for regly is operated above, the maintrum statutory, period will apply and will opply a fill will be interested period for raply is operated above, the maintrum statutory, period will apply and will deply in SM MONTH's from the mailing date of this communication. Feature to region with the set of residue period for raply is operated above, the maintrum statutory, period will apply and will deply in SM MONTH's from the mailing date of this communication. Feature to region and the set of the form of the communication, over if smally filled, may reduce any search place that the set of the	Office Action Summary	Examiner	Art Unit				
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a)	Priority under 35 U.S.C. § 119						
a)	12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a))-(d) or (f).				
1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) 1 ☐ Notice of Informal Patent Application							
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3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application		Paper No(s)/Mail Da	ate				
	3) Information Disclosure Statement(s) (PTO/SB/08)	· <u> </u>	atent Application				

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DETAILED ACTION

1. Claims 1-23 are currently pending.

Election/Restrictions

2. Applicant's election with traverse of Group XII, claim 18, in the reply filed on July 14, 2009 is acknowledged. The traversal is on the ground(s) that it would not be an undue burden to search and examine all of the claims. This is not found persuasive because establishment of burden is not required for applications restricted based on lack of unity. In addition, if it were required to establish a search and examination burden, the fact that applicant has claims drawn to 19 distinct inventions clearly underscores that a search and examination burden exists.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 1-17 and 19-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

4. Claim 18 is examined on the merits.

Claim Objections

5. Claim 18 is objected to because it depends from non-elected claim 2. If claim 2 were cancelled, this would necessitate 112 2nd rejections. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 is indefinite in that it depends on non-elected claim 2 which contains indefinite language. Because claim 18 depends on claim 2, claim 2 has been examined only to the extent to determine if claim 2 is definite. Claim 2 is considered to be indefinite because the Markush language used in the claim is unclear. The claim state that the composition is "selected from the group consisting of fruit or fruit juice of amla and an extract thereof." The use of "and" in combination with "or" creates confusion as to the actual scope of the Markush group. It is unclear if the extract is an extract from the fruit or the fruit juice or both. Clarification is needed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 7. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Bordia (Indian Heart Journal (1985), vol. 37, no. 3, pp. 179-182).

The reference teaches using amla juice and amla fruit pulp to inhibit atherosclerosis. The reference teaches that the amla products are high in vitamin C and that vitamin C enhances fibrinolytic activity (see page 181). Enhanced fibrinolysis would lead to an inhibition in fibrin

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formation. Thus, the reference teaches a method of inhibiting fibrin formation using fruit and

fruit juice from amla.

8. No claims are allowed.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susan Coe Hoffman whose telephone number is (571) 272-0963.

The examiner can normally be reached on Monday-Thursday, 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Terry McKelvey can be reached on (571) 272-0775. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susan Coe Hoffman/

Primary Examiner, Art Unit 1655